IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.749 OF 2003
IN
SUMMARY SUIT NO.984 OF 2000

M/s.Reliance Chemicals Plaintiff

versus

Bipin A. Doshi Defendant

Ms.Neeta Solanki i/by Kiran Jain for plaintiff

None for defendant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd June 2005

PC :

1. Ms.Solanki appearing for plaintiff states that a copy of Summons for Judgement along with affidavit-in-support has duly been served on the defendant as well as his advocate. She files an affidavit proving service. Same is taken on record and marked "X". She tenders original documents. They are also taken on record and marked "X-1" for identification.

2. The claim in the summary suit arises out of a written contract evidenced by delivery challans,

invoices under which goods have been sold and supplied to the defendant. The defendant is dealing with pharmaceuticals, chemicals etc.. The goods have been accepted and there was no protest lodged as far as quality or quantity thereof. Price has also been accepted. It is contended that after persistent demands and requisitions, some amount was paid by pay orders. Thereafter, instead of making payment, the defendant lodged a false complaint with the Santacruz Police Station alleging various offences against plaintiff including pressurising him to pay the amounts. In the complaint as well as statement made by the defendant to the Police, he has very categorically stated that as far as amount due and payable is concerned, he has to clear a sum of Rs.3,16,000/-. The plaintiffs are a partnership firm and the partners' names are mentioned in this statement.

3. Even after this statement the plaintiff called upon the defendant to pay the admitted sum of Rs.3,16,000/-. There has been no compliance with the notice addressed by the plaintiff as well as their advocate. Consequently, the summary suit is filed.

4. Summons for Judgement has been duly served but there is no reply filed to the same. There is no defence to the claim in the suit. In the light of this position, there shall be a decree as prayed. Further interest would be @ 6% p.a.. Refund of court fee and computation of advocates' costs as per rules.

(S.C.DHARMADHIKARI, J.)